

**BELGIAN COORDINATED COLLECTIONS OF MICROORGANISMS – BCCM/  
LMG COLLECTION**

Page 1 of Form BCCM/LMG/BP/4/..... 03-160 ..... Receipt in the case of an original deposit

## **Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure**

**Receipt in the case of an original deposit issued pursuant to Rule 7.1 by the International  
Depository Authority BCCM/LMG identified at the bottom of next page**

**International Form BCCM/LMG/BP/4/.... 03-160 .....**

**To: Name of the depositor : P. Lavermicocca**

**Address** : Institute of Sciences of Food Production (ISPA)  
National Research Council (CNR)  
V.le L. Einaudi 51  
I-70125 Bari  
Italy

### I. Identification of the microorganism:

**I.1 Identification reference given by the depositor:**

## IMPC 2.1

**I.2 Accession number given by the International Depositary Authority:**

**LMG P-22043**

**BELGIAN COORDINATED COLLECTIONS OF MICROORGANISMS - BCCM/  
LMG COLLECTION**

Page 2 of Form BCCM/LMG/BP/4/..... 03-160 ..... Receipt in the case of an original deposit

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**II. Scientific description an/or proposed taxonomic designation**

The microorganism identified under I above was accompanied by :

(mark with a cross the applicable box(es))

- ☒ a scientific description  
☒ a proposed taxonomic designation

**III. Receipt and acceptance**

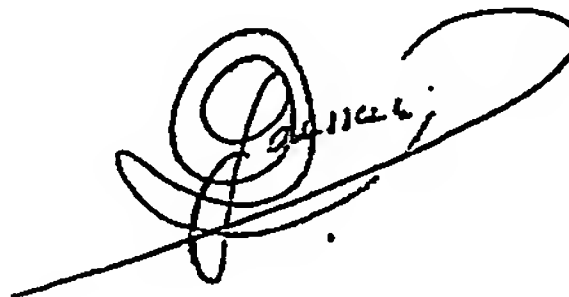
This International Depositary Authority accepts the microorganism identified under I above,  
which was received by it on (date of original deposit):

October 3, 2003

**IV. International Depositary Authority**

Belgian Coordinated Collections of Microorganisms (BCCM)  
Laboratorium voor Microbiologie - Bacteriënverzameling (LMG)  
Universiteit Gent  
K.L. Ledeganckstraat 35  
B-9000 Gent, Belgium

**Signature(s)** of person(s) having the power to represent the International Depositary Authority  
or of authorized official(s) :



Dr. D. Janssens, curator IDA

**Date:**

October 30, 2003

**BELGIAN COORDINATED COLLECTIONS OF MICROORGANISMS – BCCM/  
LMG COLLECTION**

Page 1 of Form BCCM/LMG/BP/9/..... 03-160 ..... Viability statement

**Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the  
Purposes of Patent Procedure****Viability statement issued pursuant to Rule 10.2 by the International Depositary Authority  
BCCM/LMG identified on the following page*****International Form BCCM/LMG/BP/9/... 03-160 .....*****To: Party to whom the viability statement is issued**

Name : P. Lavermicocca  
Address : Institute of Sciences of Food Production (ISPA)  
National Research Council (CNR)  
V.le L. Einaudi 51  
I-70125 Bari  
Italy

**I. Depositor**

I.1 Name : P. Lavermicocca  
I.2 Address : Institute of Sciences of Food Production (ISPA)  
National Research Council (CNR)  
V.le L. Einaudi 51  
I-70125 Bari  
Italy

**II. Identification of the microorganism****II.1 Accession number given by the International Depositary Authority:**

LMG P-22043

**II.2 Date of the original deposit (or where a new deposit or a transfer has been made, the  
most recent relevant date):**

October 3, 2003

**III. Viability statement****The viability of the microorganism identified under II above was tested on:**  
(Give date. In the cases referred to in Rule 10.2(a)(ii) and (iii), refer to the most recent viability test).

October 3, 2003

**On that date, the said microorganism was : (mark the applicable box with a cross)**

- ☒ viable  
☐ no longer viable

**BELGIAN COORDINATED COLLECTIONS OF MICROORGANISMS – BCCM/  
LMG COLLECTION**

Page 2 of Form BCCM/LMG/BP/9/.....03-160..... Viability statement

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**IV. Conditions under which the viability test has been performed:**

(Fill in if the information has been requested and if the results of the test were negative).

**V. International Depositary Authority**

Belgian Coordinated Collections of Microorganisms (BCCM)  
Laboratorium voor Microbiologie - Bacteriënverzameling (LMG)  
Universiteit Gent  
K.L. Ledeganckstraat 35  
B-9000 Gent, Belgium

**Signature(s) of person(s) having the power to represent the International Depositary Authority  
or of authorized official(s) :**



Dr. D. Janssens, curator IDA

**Date:**

October 30, 2003

**BELGIAN COORDINATED COLLECTIONS OF MICROORGANISMS  
BCCM/LMG-COLLECTION**

Contract BCCM/LMG/DBT1/.....<sup>03-160</sup> in the case of an original deposit or in the case of a new deposit with another International Depositary Authority.

**Budapest Treaty of 28 April 1977 on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure.**

**Contract in the case of an original deposit or in the case of a new deposit with another International Depositary Authority.**

Contract BCCM/LMG/DBT1/.....<sup>03-160</sup> (number to be filled in by IDA)

**Send to:**

Belgian Coordinated Collections of Microorganisms (BCCM)  
Laboratorium voor Microbiologie - Bacteriënverzameling (LMG)  
Universiteit Gent  
K.L. Ledeganckstraat 35  
B-9000 Gent, Belgium

**Between the Belgian Coordinated Collections of Microorganisms - BCCM,  
represented by:**

Laboratorium voor Microbiologie - Bacteriënverzameling (LMG)  
Universiteit Gent  
K.L. Ledeganckstraat 35  
B-9000 Gent, Belgium  
called hereafter "BCCM/LMG"

**and**

**the "Depositor" identified at the bottom of this form**

**It is agreed that if BCCM/LMG accepts the deposit under the Budapest Treaty of the microorganism with the following identification reference, by sending to the depositor the signed form BCCM/LMG/DBT2/.....<sup>03-160</sup> which completes the procedure,**

(Indicate here below number, symbols, etc. given to the microorganism by the depositor)

*Lactobacillus paracasei*

IMPC 2.1

**1. The depositor knows and will observe all the provisions of the Budapest Treaty of 28 April 1977 on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure and the Regulations under the Treaty and, more specifically, that he:**

- a) will provide all necessary information requested by BCCM/LMG, especially the information found on form BCCM/LMG/BP/1 in the case of an original deposit and form BCCM/LMG/BP/3 in the case of a new deposit;
- b) will pay all necessary fees;
- c) will not withdraw the deposit for the period specified in Rule 9.1;
- d) authorizes BCCM/LMG to furnish samples according to the applicable patent requirements;
- e) will make a new deposit in the event of BCCM/LMG being unable to furnish samples;

2. The depositor will not hold BCCM/LMG or the Belgian federal office for scientific, technical and cultural affairs responsible for any deterioration of samples during storage when all precautions indicated by him in respect of storage have been taken by BCCM/LMG;

3. The depositor will compensate BCCM/LMG for any damage it may sustain as a consequence of dealing with the organism when all precautions indicated by him in respect of dealing with the organism have been taken by BCCM/LMG;

4. The depositor will indemnify BCCM/LMG against any action brought against it as a consequence of the release of samples, unless such action results from negligence on the part of BCCM/LMG.

Any dispute that may arise shall be governed by Belgian law. Only the courts in the Brussels juridical district shall be competent.

The depositor:

(In the case of a private company, give: full registered name, legal status and address of the registered office)

Name: Paola Lavermicocca

Address: Institute of Sciences of Food Production (ISPA), CNR, Viale Einaudi 51, 70125 Bari, Italy

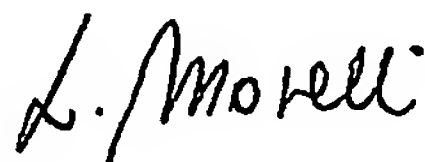
Signature:



Name: Lorenzo Morelli

Address: Istituto di Microbiologia, Università Cattolica del Sacro Cuore, Piacenza - Via Emilia Parmense, 84, 29100 Piacenza - Italy

Signature:



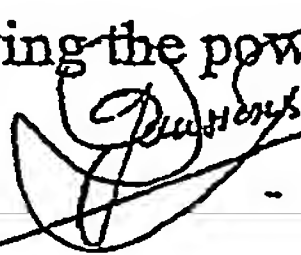
Date: 29/09/2003

(Where the signature is required on behalf of a legal entity, the typewritten name(s) of the natural

person(s) signing on behalf of the legal entity should accompany the signature(s)).

Belgian Coordinated Collections of Microorganisms (BCCM)  
Laboratorium voor Microbiologie - Bacteriënverzameling (LMG)  
Universiteit Gent  
K.L. Ledeganckstraat 35  
B-9000 Gent, Belgium

Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):

 J. TANSSENS

Date: October 30, 2003



# INTERNATIONAL SEARCH REPORT

International Application No  
PCT/EP2004/013582

## A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A23L1/03 A23L1/30 C12R1/225 C12N1/20 C12R1/23

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A23L A23B C12N C12R

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ, FSTA, BIOSIS

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	WO 02/056695 A (CONSEJO SUPERIOR DE INVESTIGACIONES CIENTIFICAS) 25 July 2002 (2002-07-25) page 6, lines 17-33 page 7, lines 23-32	1-5
A	page 6, lines 28-32 page 8, lines 2-21	2-4, 6, 7
X	WO 00/60948 A (CONSEJO SUPERIOR DE INVESTIGACIONES CIENTIFICAS; JIMENEZ DIAZ, RUFINO;) 19 October 2000 (2000-10-19) page 4, line 12 - page 5, line 21	1, 5
A	page 5, lines 7-21	2-4, 6, 7
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☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

### \* Special categories of cited documents :

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

- \*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- \*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- \*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- \*&\* document member of the same patent family

Date of the actual completion of the international search

11 April 2005

Date of mailing of the international search report

20/04/2005

Name and mailing address of the ISA

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Fax (+31-70) 340-3016

Authorized officer

Couzy, F



## INTERNATIONAL SEARCH REPORT

International Application No  
PCT/EP2004/013582

## C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	VAN DEN BERG DJC, ET AL: "Isolation, screening and identification of lactic acid bacteria from traditional food fermentation processes and culture collections" FOOD BIOTECHNOLOGY, vol. 7, no. 3, 1993, pages 189-205, XP009046122 pages 189-190 table 3	1,2,5
X	----- SUSKOVIC J ET AL: "Probiotic properties of Lactobacillus plantarum L4" FOOD TECHNOL. BIOTECHNOL., vol. 35, no. 2, 1997, pages 107-112, XP009046128 abstract page 1 page 110	1,5
A	page 107, column 2, paragraph 1	7
A	----- WO 97/49303 A (QUEST INTERNATIONAL B.V; HEIJMEN, VINCENT, H., M; HOOGLAND, MARTIN; KE) 31 December 1997 (1997-12-31) page 1, lines 4-13 page 3, line 26 - page 4, line 10	1-7
A	----- US 3 891 771 A (GREEN ET AL) 24 June 1975 (1975-06-24) column 1, lines 6,7 column 2, lines 4-61	1-7
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A	----- EP 1 308 506 A (EIDGENOESSISCHE TECHNISCHE HOCHSCHULE ZUERICH) 7 May 2003 (2003-05-07) paragraphs '0004! - '0013! -----	7

## INTERNATIONAL SEARCH REPORT

International Application No

PCT/EP2004/013582

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			AU 3559400 A	14-11-2000
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			DE 69219768 D1	19-06-1997
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			SK 71293 A3	06-07-1994
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			EP 1442113 A1	04-08-2004
			WO 03040349 A1	15-05-2003